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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,855	05/23/2001	Johannes Lehto	944-003.087	2058

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EXAMINER

SHARMA, SUJATHA R

ART UNIT PAPER NUMBER

2684

DATE MAILED: 07/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/864,855

Applicant(s)

LEHTO ET AL.

Examiner

Sujatha Sharma

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3.5
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3,8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Valentine [WO 97/30556] in view of Sivula [EP 1 091 601 A2].

Regarding claims 1,8, Valentine discloses a method of sending graphic images to mobile terminals. Valentine further discloses a method of determining the number of bits to convey extension/graphic data and defining the information to be conveyed by each bit (see figs. 3,4 and page 10, line 28-page 11, line 31). Valentine further discloses a method of inserting the extension/graphic data into user data field in the determined number of bits (see figs. 3,4 and page 10, line 28-page 11, line 31). Valentine further discloses a method wherein the extension/graphic data includes information associated with displaying the message according to pre-determined format. See summary of invention, page 10, line 28 – page 11, line 19, page 13, line 18 – page 14, line 31.

However, Valentine fails to disclose a method wherein the extension/graphic data includes information associated with displaying the message according to pre-determined format that is effective for mobiles adapted to interpret the extension data but does not prevent mobile

terminals not so adapted from displaying the message without regard for the instructions indicated by the extension/graphic data.

Sivula teaches a method wherein the extension/graphic data includes information associated with displaying the message according to pre-determined format that is effective for mobiles adapted to interpret the extension data but does not prevent mobile terminals not so adapted from displaying the message without regard for the instructions indicated by the extension/graphic data. See col. 3, paragraphs 10, 11.

Therefore it would have been obvious to one with ordinary skill in the art to provide the above teachings of Sivula to Valentine in order to efficiently display the message to the user without losing the message.

Regarding claims 2,9, Sivula further teaches a method of exchanging special content messages between mobile telephones. Sivula further discloses a method of inserting into the user data filed at least some of the text associated with the picture and inserting at least some of the picture into the user data. See col. 7, paragraph 20.

Regarding claims 3,10, Sivula further discloses a method wherein the pre-determined message format is the short message service (SMS) picture message format. See col. 1, paragraph 5.

3. Claims 4,11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Valentine [WO 97/30556] and Sivula [EP 1 091 601 A2] in view of Roach [us 6,314,100].

Regarding claims 4,10, Valentine and Sivula disclose all the limitations as claimed. However they do not disclose a method of organizing a message logically into frames and including the extension data after the picture in the only one SMS message but in each frame consisting of multiple SMS pictures, the extension data is included in the last SMS picture message of the multiple SMS picture messages making up the frame.

Roach, in the same filed of endeavor teaches a method of transmitting packet data. Roach further teaches a method wherein the frame payload of a sequence is logically combined in association with a single header before transmission to the host. See col. 7, lines 1-5.

Therefore it would have been obvious to one with ordinary skill in the art to provide the above teachings of Roach to Sivula and Valentine in order to reduce the overheads in transmitting data and efficiently utilize the network resources.

4. Claims 5-7,12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Valentine [WO 97/30556] and Sivula [EP 1 091 601 A2] in view of Roach [US 6,314,100] and further in view of Sim [EP 1 039 768 A2].

Regarding claims 5,12, Roach in combination with Sivula and Valentine fails to disclose a method of inserting SMS message concatenation data into user data filed of each SMS message used to convey the frame so as to indicate the individual SMS messages and their order to be used to convey the data

Sim teaches a method of inserting SMS message concatenation data into user data filed of each SMS message used to convey the frame so as to indicate the individual SMS messages and their order to be used to convey the data. See Fig. 4 and col. 10, line 1 – col. 11, line 11.

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Therefore it would have been obvious to one with ordinary skill in the art to provide the above teachings of Sim to modified Valentine in order that the receiving terminal re-assembles the packets in the proper order for proper display of the message.

Regarding claims 6,13, Sim further discloses a method wherein the extension data comprises a message identifier, order number or other identifier of the current frame for use by the receiving terminal in ordering the frames of the multi-frame message. See Fig. 4 and col. 3, lines 29-50, col. 4, lines 9-35, col. 10, line 1 – col. 11, line 11.

Regarding claims 7, 14, Sim further discloses a method wherein the SMS extension data further comprises the SMS message number of the SMS message to be used to convey a frame too long to be conveyed by a single SMS message. See Fig. 4 and col. 3, lines 29-50, col. 4, lines 9-35, col. 10, line 1 – col. 11, line 11.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gaskill [US 5,629,940] Transmitting and receiving long messages in a wireless one-way communication system while reserving selected slots for short messages

Karri [US 2002/0177454] System for personal messaging

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Mochizuki [US 6,044,248] Selective call receiver for displaying messages including graphical images


Suzuki [US 6,445,396] Communication apparatus capable of controlling the display format of a fixed sentence

Kim [US 2001/0049289] Method of transmitting and receiving graphic short message service messages in a portable radio terminal

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sujatha Sharma whose telephone number is 703-305-5298. The examiner can normally be reached on Mon-Fri 7.30am - 4.00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Sujatha Sharma
June 16, 2004


NAY MAUNG
SUPERVISORY PATENT EXAMINER